

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
Nora Mead Brownell, Joseph T. Kelliher,
and Suedeene G. Kelly.

Pacific Gas and Electric Company

Docket No. ER04-215-000

ORDER APPROVING UNCONTESTED SETTLEMENT AGREEMENT

(Issued November 26, 2004)

1. On August 30, 2004, Pacific Gas and Electric Company (PG&E) filed a Revised Settlement Agreement that resolves all issues set for hearing in the Commission's April 16, 2004 order in the above-captioned proceeding.¹
2. On September 20, 2004, Commission Staff filed initial comments in support of the Revised Settlement Agreement. On October 8, 2004, the presiding judge certified the Revised Settlement Agreement to the Commission as uncontested.
3. The Revised Settlement Agreement constitutes a reasonable resolution of these proceedings and will be approved. The tariff designations submitted with the settlement are in compliance with Commission Order No. 614,² and the rate schedule revisions are hereby accepted for filing as designated, and made effective as specified in the Revised Settlement Agreement. The Commission's approval of this settlement does not constitute approval of, or precedent regarding, any principle or issue involved in these proceedings. The Commission retains the right to investigate the settlement rates, terms and conditions under the "just and reasonable and not unduly discriminatory or preferential" standard of section 206 of the Federal Power Act, 16 U.S.C. § 824e (2000).

¹ *Pacific Gas and Electric Co.*, 107 FERC ¶ 61,033 (2004) (April 16, 2004 order). The April 16, 2004 order set for hearing a City and County of San Francisco (CCSF) protest to a Quarterly Small Facilities Authorization Letter (Authorization Letter) submitted PG&E on November 21, 2003.

² *Designation of Electric Rate Schedule Sheets*, Order No. 614, 65 Fed. Reg. 18,221 (Apr. 7, 2000), FERC Stats. & Regs. ¶ 31,096 (2000).

4. This order terminates Docket No. ER04-215-000.

By the Commission.

(S E A L)

Linda Mitry,
Deputy Secretary.